

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	Case No: 3:12-CR-317-L
	§	Hon. Sam A. Lindsay
BARRETT LANCASTER BROWN	§	

MOTION TO UNSEAL SENTENCING MEMORANDUM AND EXHIBITS

Defendant BARRETT LANCASTER BROWN files this motion to unseal his Sentencing Memorandum and exhibits and in support thereof, would show the Court the following:

I.

This matter is presently scheduled for sentencing on December 16, 2014 at 9:00 a.m. Undersigned counsel for Mr. Brown have received a number of media inquiries from domestic and foreign media outlets requesting the public release of Mr. Brown's Sentencing Memorandum in advance of sentencing. That pleading was filed under seal and thus is not publicly available on PACER.

The right of the public's access to a sentencing memorandum in a criminal case is based upon both the First Amendment and the common law right to judicial records. *United States v. Dare*, 568 F.Supp.2d 242, 244 (N.D.N.Y. 2008). Nonetheless, the privacy interests of the defendant may outweigh the public's right of access to a sentencing memorandum in some cases. *Id.* In this case, Mr. Brown waives whatever

privacy interest he may have and consents to unsealing of his Sentencing Memorandum and attendant exhibits.

II.

WHEREFORE, for the reasons set forth above, Mr. Brown respectfully requests that this Court unseal his sentencing memorandum and attendant exhibits.

Respectfully submitted,

-s- Charles Swift
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CERTIFICATE OF CONFERENCE

I certify that on December 11, 2014, I conferred with Ms. Candina Heath, counsel for the government and she opposes the motion.

/s/ Marlo P. Cadeddu
MARLO P. CADEDU

CERTIFICATE OF SERVICE

I certify that today, December 11, 2014, I filed the instant motion using the Northern District of Texas's electronic filing system (ECF) which will send a notice of filing to all counsel of record.

/s/ Marlo P. Cadeddu
MARLO P. CADEDU
Attorneys for Barrett Brown